

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

PARNON ENERGY INC., ET AL.,
Defendants.

No. 11 Civ. 3543 (WHP)

AND

IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION

This Document Relates To:
All Actions

MASTER FILE

No. 11 Civ. 3600 (WHP)

NOTICE OF APPEAL

Notice is hereby given that non-party objectors Plains All American Pipeline, L.P. (“Plains”), Castleton Commodities International LLC, Vitol, Inc. and Vitol Capital Management, Ltd. (collectively “Non-Party Objectors”), hereby appeal to the United States Court of Appeals for the Second Circuit from the Court’s October 25, 2013 Memorandum & Order (Dkt No. 139, *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY); Dkt. No. 160, *In re: Crude Oil Commodity Futures Litigation*, No. 11 Civ. 3600 (WHP) (SDNY)), granting in part and denying in part the non-party objections to, and motion for a protective order concerning, Putative Class Plaintiffs’ First Request for the Production of Documents.¹

¹ Because the Court’s discovery order is directed to Defendants in Case No. 11 Civ. 3600 (WHP) – and not the non-party objectors – and requires Defendants to produce documents in their possession that contain highly proprietary and confidential information of the non-party objectors, and because the discovery order finally resolves an issue that is separate from the

Dated: October 30, 2013

Respectfully submitted,

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merits of the underlying action and that will effectively be unreviewable on appeal from a final judgment, the Court's October 25, 2013 Memorandum & Order is immediately appealable under collateral order doctrine of *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949). *See EM Ltd. v. Republic of Argentina*, 695 F.3d 201, 205-06 (2d Cir. 2012); *see also Church of Scientology of Cal. v. United States*, 506 U.S. 9, 18 & n.11 (1993); *Perlman v. United States*, 247 U.S. 7, 12-13 (1918); *In re Air Crash at Bell Harbor*, 490 F.3d 99, 106 (2d Cir. 2006) (recognizing that the holder of an asserted privilege may immediately appeal the enforcement of a subpoena when the subpoena is directed at another person who does not object to providing the testimony or documents at issue).

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2013, the foregoing Notice of Appeal was filed using the CM/ECF system, which will automatically send electronic mail notification of such filing to all parties of record.

/s/ Hilary Preston
Hilary Preston